

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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MAY 23 2004

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

UNITED STATES TELECOM ASSOCIATION,)

Petitioner,)

v.)

No. 00-1428

FEDERAL COMMUNICATIONS)
COMMISSION and THE UNITED STATES)
OF AMERICA,)

Respondents.)

STATUS REPORT

The Federal Communications Commission files this status report pursuant to the Court's order dated January 19, 2001. In that order, the Court granted the Commission's motion to hold this case in abeyance pending agency action on petitions for reconsideration of the challenged *South Dakota Declaratory Ruling*.^{*} In an order dated April 25, 2001, the Court directed the Commission to file a status report within ten days of the date of that order and every 30 days thereafter.

The Commission staff is taking steps to complete its work on the reconsideration petitions pending before the agency. The Commission will promptly inform the Court

^{*} *Federal-State Joint Board on Universal Service; Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, CC Docket No. 96-45, Declaratory Ruling, 15 FCC Rcd 15168 (2000) ("*South Dakota Declaratory Ruling*").

and the parties when the agency acts on reconsideration. In the meantime, the Court should continue to hold the case in abeyance.

Respectfully submitted,

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Counsel

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May 20, 2004

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

United States Telecom Association, Petitioner,

v.

Federal Communications Commission and USA, Respondents.

Certificate Of Service

I, Sharon D. Freeman, hereby certify that the foregoing "Status Report" was served this 20th day of May, 2004, by mailing true copies thereof, postage prepaid, to the following persons at the addresses listed below:

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